

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHALMERS A. SIMPSON,	:	CIVIL NO. 1:09-CV-02223
	:	
Plaintiff	:	(Judge Caldwell)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
CHESTER COUNTY PRISON, et al.,	:	
	:	
Defendants	:	

REPORT AND RECOMMENDATION

On November 12, 2009, the plaintiff, a prisoner proceeding *pro se*, commenced this action by filing a complaint. The plaintiff has also filed an application to proceed *in forma pauperis*.

The plaintiff is incarcerated at the Chester County Prison. The plaintiff names as defendants the Chester County Prison, the Chester County Sheriff's Department and other individuals who work at or are incarcerated at the Chester County Prison. The plaintiff also names as a defendant the Chester County Sheriff's Department's insurance company. The plaintiff's claims are not clear. However, it appears that the plaintiff's claims center around events that occurred in Chester County and the Chester County Prison.

28 U.S.C. §1391(b) is the venue provision for federal question cases. Section 1391(b) provides:

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

The plaintiff's claims concern events that occurred in Chester County. Chester County is in the Eastern District of Pennsylvania. Therefore, the plaintiff's claim concerns events that occurred in the Eastern District of Pennsylvania.

With the exception of the Chester County Sheriff's Department's insurance company, given that the defendants are associated with Chester County and the Chester County Prison it is reasonable to infer that they reside in the Eastern District of Pennsylvania. Although the plaintiff lists the Chester County Sheriff's Department's insurance company as a defendant, the plaintiff has not set forth a statement of how the insurance company was involved in the alleged violation of the

plaintiff's rights. There is no basis to infer that the insurance company is a proper defendant.

The plaintiff has not alleged facts that would lay venue in the United States District Court for the Middle District of Pennsylvania. Venue in this case is proper in the United States District Court for the Eastern District of Pennsylvania.

It is recommended that this action be transferred to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1406(a).¹

/s/ J. Andrew Smyser

J. Andrew Smyser
Magistrate Judge

Dated: December 10, 2009.

1. We note that this is not the first action that the plaintiff has filed in this Court. Previously, on September 30, 2009, the plaintiff filed an action in this Court - *Simpson v. City of Coatsville*, 1:09-CV-01882 (M.D.Pa.). By a Report and Recommendation dated October 22, 2009, the undersigned recommended that that action be transferred to the United States District Court for the Eastern District of Pennsylvania. By an Order dated December 4, 2009, Judge Caldwell adopted that Report and Recommendation and transferred that case to the United States District Court for the Eastern District of Pennsylvania.